(1) C.T. No. 603/06 Girjadhariyan
Present for S.J.
dated 31.2.06

IN THE HIGH COURT OF JUDUCATURE AT BILASPUR (CG) (3)

Writ Petition No. 615 of 2006 Single Bench

Petitioner

Girja Prasad aged about 51years
S/o Late Nidhur
North Chirimiri Colliery
P.O. Gelhapani
Dist-Koria (CG)

VERSUS

Respondent no. 1

South Eastern Coalfields Limited
Through its Chairman-cum-Managing Director
Seepat Road
Bilaspur (CG)

Respondent no.2

General Manager
S.E.C.L, Chirimiri Area
P.O. West Chirimiri Colliery
Dist- Koria (CG)

Respondent no.3

Sub-Area Manager
North Chirimiri Colliery
P.O. Gelhapani
Dist- Koria (CG)

Writ Petition under Article 226 of the Constitution of India

XI-HC-22

(39)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 615/06 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

10-2-2006

On a mention being made, the case is taken up.

Shri R.N. Mukhopadhyay, counsel for the petitioner.

Shri P.S. Koshy, counsel for the respondents.

Heard.

The petitioner has filed this petition under Article 226 of the Constitution of India for directing the respondents to pay special allowance to the petitioner in terms of NCWA, to refer the petitioner to the Medical Board and to grant employment to the petitioner's son in terms of NCWA, if the petitioner is declared unfit by the Medical Board.

The contention of learned counsel appearing for the petitioner is that the petitioner suffered paralytic attack in the year 2002. He has been treated but could not improve and his condition is deteriorating day by day. He has not been paid the allowance ultimately his family is suffering. The further contention of learned counsel for the petitioner is that the petitioner may collapse at any time and as such prays for medical allowance in terms of NCWA. He referred to document Annexure-P/4 wherein there is a provision for sick leave, which is relevant and quoted below :

"6.4.0 Sick Leave

6.4.1 The existing provisions relating to Sick Leave of 15 days with fully pay in a calendar year will continue. Sick leave with full pay will accumulate upto 90 days.

6.4.2 Grant of Special Leave to employees suffering from Heart disease, TB, Cancer, Leprosy, Paralysis, Renal diseases, H.I.V. and Brain disorder.

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आदेश पत्रक

मामला क्रमांक WP 615/06 सन् 200

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आदेश का दिनांक आदेश क्रमांक जोड़ें	आदेश हस्ताक्षर सहित -2-	कार्यालयीन भागों में डिग्री रजिस्टर के अन्तिम आदेश

(a) Employees suffering from Heart Diseases, TB, Cancer, Leprosy and Paralysis, Renal diseases, H.I.V. and Brain diseases shall be granted leave at 50% of basic pay, VDA and SDA upto (6) six months during the tenure of service period on the basis of recommendations of the Company Medical Officer or any other hospital to which the cases may be referred for treatment by the Management.

(b) It is also agreed that in case of relapse or otherwise continuance of aforesaid ailments, such of the employees shall be granted further leave at 50% of basic pay, VDA and SDA upto (6) six months during the tenure of service period on the basis of recommendations of the Company Medical Officer or any other hospital to which the cases may be referred for treatment by the Management.

(c) The modalities for grant of leave on account of Brain diseases will be discussed and decided by the Standardization Committee.

6.4.3 An employee suffering from Heart disease and advised rest by Specialist will further be entitled to the above leave with half pay upto a period of 6 months on the recommendations of the Company Medical Officer."

After hearing the parties a direction was issued by this Court on 7-2-2006 that the medical allowance in terms of NCWA be paid to the petitioner and he be referred to Medical Board and provided the best treatment available.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

WP 613/06

मामला क्रमांक ..... सन् 200

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में किसी रजिस्ट्रार के अंतिम आदेश

Shri Koshy, learned counsel appearing for the respondents, pointed out that the petitioner was working as Driller in North Chirmiri Colliery, Chirmiri Area, District Korea and he had an attack of cerebro veascular accident and had paralysis of left Upper Limb. It is further pointed out that the petitioner has been provided with the best medical facilities and he is attending the Regional Hospital Kurasia, Chirmiri in every 15 days. It is also pointed out that the petitioner was awarded six months half wages leave as per rules from 1st April, 2005 to 30th September, 2005 and the petitioner has been again awarded six months half wages leave from 1st October, 2005 to 31st March, 2006 as per rules for the second time. Learned counsel submitted that an amount of Rs.19434/- paid to the petitioner bearing cheque No.025383 dated 9-2-2006 and an amount of Rs.37013.21 was also paid to the petitioner towards special leave from 1-4-2005 to 30-9-2005 @ 50% of salary as per Company norms.

On 6-7-2005 a certificate has been issued by the Medical Superintendent (Admn.), which is quoted below :

"South Eastern Coalfields Limited
Office of the Chief Medical Officer, Regional Hospital, Kurasia, Chirimiri Area.

No.SECL/CHRM/CMO/RHK/Spl.Leave/1301 Dated 6/7/05

CERTIFICATE

This is to certify that Sri/Smt. Sri Girija Prasad 50 years S/o, W/o, Sri/Smt. S/o Sri Nidhar Design. (DC) Driller Name of Colliery NCC (North Chirimiri Colliery) is suffering from (L) Upper Limb Monoplegsk (CVA). He may be granted special leave as per rules with effect from 1st April '05 to 30th Sept.05 for a period of six months subjected to the condition that total period of leave

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(12)

आदेश पत्रक

WP 615/06

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —५—	कार्यालयीन पार्टियों में दिनांक हस्ताक्षर के अन्तिम आदेश

recommended does not exceed time frame as specified in NCWA-VI after verification of leave already availed by him/her on this ground. He/she is advised to attend C.P.U. for follow up and medical advice every two wks/14 days.

Sd/-
Medical Suptdt. (Admn.)
Regional Hospital, Kurasia,
Chirimiri Area.

C.C. to :-

1. Employee concerned.
   Sri Girija Prasad, (DC) Driller, NCC
   (NUS No.92303721)
2. SAM NCC (North Chirimiri Colliery)
3. Office File."

Learned counsel for the respondents submits that the petitioner has been referred to Medical Board and if the petitioner is declared unfit by the Medical Board his case will be considered in accordance with law for grant of employment to the petitioner's son.

The respondents have very fairly granted the benefits to the petitioner in terms of NCWA and have been stated that his case will be dealt with in accordance with law after receipt of the Medical Board's report. In that view of the view of the matter the grievance of the petitioner does not subsist.

At this stage, learned counsel appearing for the petitioner seeks liberty to avail the remedy in case any grievance subsists.

Accordingly, the petition stands disposed of at this stage. However, it is made clear that if any grievance subsists the petitioner may avail the remedy available under the law including filing of petition.

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आदेश पत्रक

मामला क्रमांक WP 613/06 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -5-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Consequently, M.(W.)P.No.463/2006 & I.A.No.1604/2004 also stand disposed of. Before parting, this Court appreciates the valuable assistance rendered by learned counsel appearing for the parties. Sd/- Fakhruddin Judge	

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